

rejected under 35 U.S.C. §103 over the combination of the Yoda, Potter et al. and Kelly, Jr. patents, and in further view of U.S. Patent No. 5,339,252 to White et al. Applicants courteously traverse both of these rejections, and respectfully ask for its reconsideration.

Claims 10-14 recite “an order receiving unit that receives orders from customers for footwear to custom fit the customer, each order identifying at least one last.” Thus, this claim recites an order receiving unit that allows customers to order footwear based upon a last shape rather than a conventional size/width combination. Applicants respectfully point out that this feature, custom ordering footwear by identifying a last, is not taught or suggested by any combination of the Yoda, Potter et al. and Kelly, Jr. patents. The Yoda patent discloses a system that measures a customer’s size information. The Potter et al. patent then describes a method for completing the manufacturing process of footwear at a retail location, thereby allowing the retail location to reduce the amount of stock required to provide footwear in a variety of sizes. The Kelly, Jr. et al. patent is directed to the tracking of inventory of multiple goods in multiple cartons, and thus is completely silent as to ordering footwear by specifying a last.

As discussed during the interview, footwear conventionally is ordered by specifying a footwear model and size. Moreover, a particular model of footwear in a particular size is conventionally made using only a single last shape. The invention recited in the claims, however, allows a customer to custom order footwear by choosing a desired last shape to be employed in manufacturing the footwear.

Accordingly, Applicants submit that no combination of the Yoda, Potter et al. and Kelly,

Jr. et al. patents would teach or suggest the features of the invention recited in any of claims 10-14. Further, Applicants courteously submit that the White et al. patent does not remedy the omissions of the combination of the Yoda, Potter et al. and Kelly, Jr. patents. Applicants therefore ask that the rejection of claims 10-14 over the combinations of the Potter et al., Kelly, Jr., and White et al. patent be withdrawn.

It is respectfully submitted that no fees are due for the consideration of this Request. If, however, the Examiner deems that fees are necessary, including any fees under 37 C.F.R. §1.116 or §1.17, then it is courteously requested that the Examiner charge such fees to the deposit account of the undersigned, Deposit Account No. 19-0733.

In view of the above remarks, Applicants respectfully submit that all of the claims are allowable, and that this application is therefore in condition for allowance. Favorable action in this regard is courteously requested at the Examiner's earliest convenience.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By: Thomas L. Evans  
Thomas L. Evans, Reg. No. 35,805  
1001 G Street, N.W., 11<sup>th</sup> Floor  
Washington, D.C. 20001-4597  
Telephone: (503) 425-6800  
Facsimile: (503) 425-6801

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